

APPEAL NO. 041481  
FILED AUGUST 10, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on May 21, 2004. The hearing officer determined that the employer did not make a bona fide offer of employment and that respondent (claimant) had disability from October 25, 2003, through the date of the hearing. Appellant (carrier) appealed these determinations on sufficiency grounds. The file does not contain a response from claimant.

DECISION

We affirm.

We have reviewed the complained-of determinations and conclude that the issues involved fact questions for the hearing officer. The hearing officer reviewed the record and decided what facts were established. The hearing officer could find that claimant was not given an opportunity to receive and accept the written offers of employment sent to him and that his employment had been terminated before he received the offers. The hearing officer could also find from the evidence that claimant was unable to obtain and retain employment at wages equivalent to the preinjury wage from October 25, 2003, through the date of the hearing, due to the compensable injury. The hearing officer could find that the inability to earn the preinjury wage was not due to termination for cause. We conclude that the hearing officer's determinations are supported by the record and are not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

According to information provided by carrier, the true corporate name of the insurance carrier is **AMERICAN HOME ASSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY  
800 BRAZOS, SUITE 750, COMMODORE 1  
AUSTIN, TEXAS 78701.**

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Judy L. S. Barnes  
Appeals Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Chris Cowan  
Appeals Judge